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REMARKS

Claims 10-12 and 25-31 are pending. Claims 10-12 are rejected under 35 U.S.C. § 103(a). New claims 25-31 correspond to original claims 14-20 which were previously cancelled without prejudice.

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art (AAPA) in view of Bottomley (U.S. Pat. No. 6,363,104). Examiner asserts that AAPA includes all elements of the claimed invention except "at least one of a plurality of antennas." Applicants respectfully disagree. Referring to Figure 7A of the application, claim 10 recites "A method of processing signals for a communication system, comprising the steps of: receiving an input signal from at least one (212) of a plurality of antennas; measuring the input signal (746); producing an output signal (722) corresponding to the measured input signal; comparing the output signal to a first reference signal (723); producing a first control signal ( $\alpha_1^1$ , 734) in response to the step of comparing when the output signal has a value greater than a value of the first reference signal; comparing the output signal to a second reference signal; and producing a second control signal ( $\alpha_1^2$ , 736) in response to the step of comparing when the output signal has a value greater than a value of the second reference signal." (reference numerals added). Operation of the circuit of Figure 7A is explained in detail at page 10, lines 12-24 of the instant specification.

As best applicants understand the present rejection, Examiner relies on the receiver of Figure 4 as disclosing elements of claim 10. Examiner specifically identifies SIR measurement circuit 432 as the step of "measuring the input signal" and lead 425 as "producing an output signal." Examiner further identifies circuit 426 for the step of "comparing the output signal to a first reference signal" the TPC command as "a first control signal." However, Examiner fails to identify the first reference signal. Despite this omission, Examiner then identifies lead 424 as "a second reference signal" but fails to identify "a second control signal." Please note that the target SIR signal on lead 424 is only one reference signal and not even a control signal. Applicants

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respectfully submit that the difficulty of identifying elements of claim 10 in Figure 4 is due to the fact that they are simply not disclosed. The elements of Figure 4 identified by Examiner are related to transmit power control. They are very different from diversity detection of Figure 7A as previously discussed with regard to claim 10.

A *prima facie* case of obviousness requires three things. First there must be some suggestion or motivation to combine the teaching of AAPA with Bottomley to produce the claimed invention. Second, there must be a reasonable expectation of success of the resulting combination. Third, the combined references must teach or suggest all the claim limitations. MPEP 706.02(j). Applicants respectfully submit that Examiner has failed on all three points. Without regard to the first two, however, even an improper combination of AAPA with Bottomley fails to disclose all elements of claim 10. For all the foregoing reasons, applicants respectfully submit that claim 10 and depending claims 11-12 are patentable under 35 U.S.C. § 103(a).

New claims 25-31 correspond to previously cancelled claims 14-20. In a previous Office Action dated April 6, 2005, Examiner rejected independent claims 14 and 18 under 35 U.S.C. § 102(b) as being anticipated by AAPA. After a review of this previous rejection, applicants are persuaded it is without merit, and new claims 25-31 are patentable over AAPA. In particular, Examiner failed to identify a "control signal corresponding to a number of the at least one of a plurality of transmit antennas, the estimate circuit selectively producing a first estimate signal and a second estimate signal in response to the control signal" as required by claim 14, now claim 25. Examiner also failed to identify the steps of "receiving a control signal having a value corresponding to a number of the at least one of a plurality of transmit antennas; selectively combining the input signal from the at least one of a plurality of transmit antennas in response to the control signal" as required by claim 18, now claim 29. Thus, applicants respectfully submit that new claims 25-31 are patentable under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a).

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 10-12 and 25-31. If Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



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